

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MISSOURI

In Re: )  
)  
PATRICIA J. KOENEMAN f/k/a ) Case No. 11-42501-399  
PATRICIA DOLLINS, ) Chapter 13  
)  
)  
Debtor. )  
) **Responses due: August 16, 2011**  
) **Hearing Date: August 23, 2011 at 9:30 a.m.**

**WARNING: ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE COURT BY AUGUST 16, 2011 (SEE L.B.R. 9013-2). A COPY MUST BE PROMPTLY SERVED UPON THE UNDERSIGNED. FAILURE TO FILE A TIMELY RESPONSE MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED PRIOR TO THE HEARING DATE. THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE BARRY S. SCHERMER, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON COURTHOUSE, 111 SOUTH 10TH STREET, 5<sup>TH</sup> FLOOR, NORTH COURTROOM, ST. LOUIS, MO 63102.**

**GREEN TREE SERVICING, LLC, s/i/i and Loan Servicer for  
GREENPOINT CREDIT, LLC's MOTION FOR VALUATION**

COMES NOW, GREEN TREE SERVICING, LLC s/i/i and Loan Servicer for GREENPOINT CREDIT, LLC, (hereinafter referred to as "GREEN TREE"), a duly scheduled creditor in the above-captioned Chapter 13 and, pursuant to Bankruptcy Rule 3012, requests the Court hold a hearing on the valuation of the manufactured home described herein and thus a claim secured by that collateral. Said motion is as follows:

1. GREEN TREE is the holder of a secured claim in this proceeding by virtue of an original Retail Installment Contract, Security Agreement, Waiver of Trial by Jury and Agreement to Arbitration or Reference or Trial by Judge Alone dated July 20, 2000, executed by the Debtor, PATRICIA J. KOENEMAN, in the original principal amount of \$42,924.47. A copy of said Contract is incorporated herein by reference, and marked Exhibit "A".

2. Said Contract is secured by a security agreement contained therein, constituting a perfected security interest in the manufactured home owned by Debtor, PATRICIA J. KOENEMAN, more particularly described as follows:

2001 Chandeleur Manufactured Home, 28 x 54, Model 2824, Manufacturer's Serial Number CH2AL08665AB, including Range, Refrigerator, Washer, Dryer, Air Conditioner, Skirting and Steps.

GREEN TREE'S lien was duly perfected as evidenced by notation of its lien on a Certificate of Title issued by the Director of Revenue for the State of Missouri, a copy of which is incorporated herein by reference, and marked Exhibit "B".

3. As of J April 5, 2011, the net payoff on the indebtedness secured by the above described manufactured home was \$42,121.58, plus interest at the rate of 11.27% until fully paid.

4. Debtor PATRICIA J. KOENEMAN has placed a value on the manufactured home of \$10,500.00, which is an incorrect and inaccurate value.

5. Pursuant to 11 U.S.C. Section 506(a)(2) GREEN TREE contends that the *replacement value* for the manufactured home, including all accessories and components, is \$22,154.88, based upon the N.A.D.A. Manufactured Housing Appraisal Guide (May-Aug 2011), incorporated herein by reference, and marked as Exhibit "C". This valuation is comprised of the following: a base structure value of \$19,652.00 and Components and Accessories of \$2,502.88, combined to arrive at the total adjusted retail value of the manufactured home and optional equipment which is \$22,154.88.

6. Bankruptcy Rule 3012 provides that any party in interest may move the Court for a hearing on the valuation of collateral and thus a claim secured by that collateral.

WHEREFORE, GREEN TREE SERVICING, LLC, hereby prays:

1. That a hearing pursuant to Bankruptcy Rule 3012 be held, and the Court find the present value of the claim of GREEN TREE SERVICING, LLC, secured by the aforesaid

manufactured home, to be the creditor's value of \$22,154.88, secured.

2. That GREEN TREE SERVICING, LLC have such other and further relief as is just.

Date: July 13, 2011.

Respectfully submitted:

/s/ Michael A. Gould  
Michael A. Gould MO Bar #29728  
Gould & Associates  
415 E. 5<sup>th</sup> Street  
Kansas City, MO 64106  
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ATTORNEYS FOR CREDITOR  
GREEN TREE SERVICING, LLC

#### **CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing Motion For Valuation was filed electronically, this 13<sup>th</sup> day of July, 2011, with the United States Bankruptcy Court for the Eastern District of Missouri; and mailed, where applicable, via United States Mail, postage prepaid, to all interested parties not participating in electronic filing, including debtor(s). I further certify that copies of all documents evidencing the validity and perfection of Movant's security interest, as referenced herein, were mailed this 13<sup>th</sup> day of July, 2011, via U.S. First Class Mail, postage prepaid, to:

Patricia J. Koeneman  
2012 Jeffery Martin  
O'Fallon, MO 63366  
Debtor

Robert J. Blackwell  
Blackwell and Associates (trustee)  
P.O. Box 310  
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Trustee

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Attorney for Debtor

/s/ Michael A. Gould